

REMARKS

By this amendment, claims 8-21 and 24-39 are pending, in which claims 1-7, 22 and 23 are canceled without prejudice or disclaimer, and claims 8, 15, 24, 29, 32 and 37 are currently amended. No new matter is introduced.

The Office Action mailed January 25, 2010 objected to the specification and rejected claims 32-39 under 35 U.S.C. § 112, first paragraph. The Office Action also allowed claims 8-21 and 24-31.

Specification Objection

The Office Action has objected to the specification, stating that it introduces new matter into the disclosure. In particular, the Office Action states that the added material, “[o]ne or more computer readable media storing computer readable instructions that, when executed, perform,” is not supported by the original disclosure.

Without acquiescing to this objection but to place the claim in a better form, claim 32 has been amended to delete the feature, “[o]ne or more computer readable media storing computer readable instructions that, when executed, perform,” and to recite, among other features, “[a] computer-readable storage medium carrying one or more sequences of one or more instructions which, when executed by one or more processors, cause an apparatus to at least perform the following steps....” It is respectfully submitted that this newly added feature in amended claim 32 is supported by the original disclosure. The specification discloses storing various information, such as radio stations and bookmarks, and thus discloses presence of the computer-readable storage medium. Further, the specification discloses a mobile phone 200a having various components such as the browser 203, the Internet connection device 204, the execution

environment 205, the utility control 206, the broadcast receiver chip 207 (see FIG. 1 of the present application). Thus, it is at least inherent that the mobile phone 200a and its components have computer readable instructions that may be executed to perform the functions of the mobile phone 200a. Applicants remind the Examiner that, pursuant to MPEP §2163 II(A)(3)(a) “What is conventional or well known to one of ordinary skill in the art need not be disclosed in detail. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d at 1384, 231 USPQ at 94... If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met.” Therefore, it is respectfully submitted that the feature of amended claim 32 is supported by the specification.

Rejection Under 35 U.S.C. § 112, 1st Paragraph

The Examiner states that the original specification does not disclose the feature, “[o]ne or more computer readable media storing computer readable instructions that, when executed, perform,” as recited in claim 32.

Claim 32 has been amended to delete the feature, “[o]ne or more computer readable media storing computer readable instructions that, when executed, perform,” and to recite, among other features, “[a] computer-readable storage medium carrying one or more sequences of one or more instructions which, when executed by one or more processors, cause an apparatus to at least perform the following steps....” As discussed above, the specification discloses the computer-readable storage medium as well as instructions carried by the computer-readable storage medium. Therefore, Applicants respectfully submit that the claims, as amended, are

fully supported by and adequately described in the written description of the specification. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Allowable Subject Matter

The Examiner states that claims 8-21 and 24-31 are allowed. Applicants thank the Examiner for the early indication of allowable subject matter in this application.

Claim 8 has been amended to place it in a better form. It is respectfully that the amendments to claim 8 include merely formalistic changes, and the features of claim 8, as amended, include the allowable subject matter of claim 8 as previously presented. Therefore, it is respectfully submitted that claim 8, as amended, is allowable.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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